



# copyright crash course

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## ownmanage share

### Copyright management

Copyrights don't manage themselves well --

they sit around and do nothing, except lock up your work practically forever

There are many aspects to effective management of your copyrights, but this article will focus on two of them: the rights you preserve for yourself when you commercialize your work, and the rights that you provide for others when you do not. As *Your rights as a copyright owner* explains, your copyright bundle is pretty bloated. Yes, bloated. It has put on an awful lot of weight in the last 50 years and, for most academics, comprises considerably more rights than we really need or want, rights that actually can interfere with other scholars' and the public's uses of your creative efforts.

I'm not referring to uses that you probably wouldn't want others to make -- I'm talking about uses that most people recognize are designed to protect commercial interests, and even for these, the protections have grown far beyond what's needed to provide an incentive for creation or distribution. For example, most books have a productive economic life of about 2 to 7 years, but copyrights go on for approximately 100 years or more! Of course, there are exceptional books that are commercially valuable right up until they enter the public domain, but they constitute a tiny percentage of all works. This mismatch between the functional need for copyright and its depth and breadth has led to the development of remarkable tools that allow authors to trim the copyright of some of its excess girth. In case you are wondering what harm there could be in just leaving the full, gargantuan copyright intact, consider that your successors, years from now, will have to jump through financial and time and effort hoops to access even the most insignificant thing you've ever created, for example, yesterday's grocery list, to say nothing of an important article you've just finished. More than likely, you'd prefer that the article at least were more freely and easily available to those who follow in your footsteps. Read on to find out how it can be.

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COPE

When you commercialize your works by publishing them with commercial, for-profit publishers, or even with society publishers who may be non-profit themselves, but who depend on revenues from commercial publishing to provide services to their members, you can **reserve the right to publicly archive your work**. From its meager beginnings about 15 years ago, the effort to take advantage of the digital medium to provide greater visibility to academic research results is finally gaining critical mass. Nearly all major publishers, commercial and non-profit, now provide the right to publicly archive by either policy or in their author contracts upon request. Policies are the easiest because they apply to all authors and they don't require that you do anything extra at the time you negotiate (or not) your contract. But if your publisher doesn't have a policy, or it doesn't go as far as you would like (not all policies are equally supportive of open access, as it is called), you need only ask for the right to publicly archive. If there are any costs involved, your grant funding or institutional sources often provide resources specifically for this purpose. In fact, some funders now require that any paper published from research supported with grant funds be publicly archived as a condition of the award of the grant (Howard Hughes Medical Institute, for example). Others strongly recommend public archiving and the NIH even provides a repository and simple interface to make it easy (along with funding to cover costs, if any).

If you obtain the right to archive and follow through and actually place your article in an agency, discipline, or institutional archive (check with your institution -- it might have services to do this for you), you have insured that many more people will be able to access it than would have otherwise: researchers in other disciplines who may not have access to the commercial venues where you publish, researchers not associated with wealthy libraries, libraries in rural areas, small towns, and less wealthy countries, teachers and students, and members of the public who more than likely paid taxes that supported your research. For more information about how this wider visibility benefits you, your institution, and the public, please read, [Open access options and resources](#).

### When you don't commercialize your works

So, public archiving when you commercialize; what about when you don't? What about gray literature, things you put online, presentations you make, early drafts of articles, datasets, images you create, video you shoot, software code you produce, course materials you use to teach, music you compose -- the list could go on for the rest of a good sized paragraph! The amount of creativity we generate that never gets published exceeds by thousands of times the amount we do publish. But the same bloated copyright

protects these things, practically forever. And the list of things that no one *can do with them*, except you, is astounding. This is where the golden rule of giving away some rights comes in handy: think about how you like to use others works; give others the rights you yourself think are reasonable. And it's easy. [Creative Commons](#) enables you to select a license type and associate it with anything you put online, in any form. If anyone can find it online, your Creative Commons license will quickly and easily tell him or her exactly what freedoms your work comes with, and what your conditions include. This puts your works "in the flow" of teaching and research, not on the rights-quagmire sideline.

The rights-quagmire sideline. That probably needs a little explanation. Copyright's bloated bundle gives you the **exclusive** rights to make copies (any and all copies), to distribute your work (to the public or to even offer it to the public), to display and perform your work publicly (and that includes displaying it on a computer screen), and the right to make derivative works (any work that incorporates your work or is based upon it, such as adaptations) -- for your lifetime plus 70 additional years. So, to exercise any of those rights that belong exclusively to you, everyone else in the world needs to get your permission. Again, I'm not talking about objectionable uses here -- I'm thinking in terms of downloading a copy, printing it and filing it away somewhere, or in several places, sending it to others in an email, posting it in a course reserve system, attaching it to a presentation or another article, writing a critique of it, or using parts of it to support another argument. Unfortunately, the only authorizations other than your permission that the public can rely on are very narrowly drawn statutory provisions loaded with conditions, limitations and exclusions (like the [TEACH Act](#)), or [fair use](#), which is so vague that most people have no idea what it allows and what it forbids. You have the power to make clear, instantly, what you want to permit, and what you don't want to permit, without anyone having to ask you, ever. In other words, no rights-quagmire.

## Here's an example:



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## So manage

The process of changing copyright law to better meet academic needs is not likely to happen in your or my lifetimes -- not even likely to happen in many additional lifetimes. We just don't have the clout to win that fight, with Hollywood, publishers, the software industry and the record companies on the other side, persuading Congress that they need iron-clad protection for nearly eternity to produce a film, a book or a record. But we don't have to change the law. We just have to manage what the law gives us to better serve our own needs, needs that are very different from Hollywood's, Harcourt's and Sony BMG's. So actively manage your copyrights to put your works in the flow where people can find and use them, not on the sidelines forever in a rights quagmire.